



Order Filed on October 10, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-2(c)
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In Re:

RONALD BRODIE,

Debtor.


Case No.: 19-21672/ABA

Judge: Altenburg

**CONSENT ORDER AUTHORIZING MODIFICATION OF ORDERS OF JULY
19, 2019 AND AUGUST 23, 2019 AUTHORIZING SALE OF DEBTOR'S
INTEREST IN 810 JOSHUA COURT, MOORESTOWN, NEW JERSEY FREE
AND CLEAR OF ALL LIENS AND ENCUMBRANCES PURSUANT TO
§ 363(f) OF THE BANKRUPTCY CODE**

The relief set forth on the following pages, numbered two (2) through five (5) is hereby **ORDERED**.

DATED: October 10, 2019



Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

Case No.: 19-21672/ABA

Debtor(s): Ronald Brodie

Caption of Order: **CONSENT ORDER AUTHORIZING MODIFICATION OF ORDERS OF JULY 19, 2019 AND AUGUST 23, 2019 AUTHORIZING SALE OF DEBTOR'S INTEREST IN 810 JOSHUA COURT, MOORESTOWN, NEW JERSEY FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES PURSUANT TO § 363(f) OF THE BANKRUPTCY CODE**

WHEREAS, this matter was originally opened to the Court by David A. Kasen, Esquire, of Kasen & Kasen, attorneys for the above-named Debtor, pursuant to a Motion to Sell Debtor's Interest in 810 Joshua Court, Moorestown, New Jersey Free and Clear of All Liens and Encumbrances Pursuant to § 363(f) of the Bankruptcy Code, and opposition to the Motion having been filed by Landmark Growth Capital Partners, L.P. and Landmark IAM Growth Capital, L.P. and by the United States Trustee, and the objections having been resolved; and

WHEREAS the Court having entered on July 19, 2019 a Consent Order ("the Consent Order") authorizing sale of the Debtor's interest in 810 Joshua Court, Moorestown, New Jersey ("the Moorestown Property") free and clear of all liens and encumbrances pursuant to § 363 of the Bankruptcy Code; and

WHEREAS the Debtor and his wife, Patricia J. Brodie, collectively Sellers, entered into an Agreement of Sale on April 17, 2019 (the Agreement of Sale to sell the Moorestown property to William Richard Smith and Stephanie Smith, collectively the Buyers, for a price of \$825,000.00) ; and

WHEREAS, that Agreement of Sale was terminated to enable the Brodies as Sellers to pursue a sale with a new buyer; and

WHEREAS, a Consent Order dated August 23, 2019 was entered by the Court authorizing modification of the original Order Authorizing Sale of the Debtor's Interest

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in 810 Joshua Court, Moorestown, New Jersey; and

WHEREAS, the August 23, 2019 Order approved the release of the Contract of Sale and Release of the earnest money deposit to go back to the Smiths; and

WHEREAS, the Debtor, Ronald Brodie, and his wife, Patricia Brodie, have entered into a new Agreement of Sale with Drew Bambrick and Sara Bambrick to sell 810 Joshua Court, Moorestown, New Jersey 08057 to the Bambricks for the sum of \$825,000.00 pursuant to the Agreement of Sale (later modified to \$835,000.00 with a Sellers' concession to pay \$9,894.00 of Buyers' closing costs), and consent having been given to this Order by the second mortgagee, 2EE, LLC, and by Landmark Growth Capital Partners, L.P. and Landmark IAM Growth, L.P., and for good cause shown;

IT IS HEREBY ORDERED that the Debtor may sell his interest in 810 Joshua Court, Moorestown, New Jersey owned by the Debtor and his wife as tenants by the entirety, free and clear of all liens and encumbrances pursuant to § 363(f) of the Bankruptcy Code to Drew and Sara Bambrick for the sum of \$835,000.00.

IT IS FURTHER ORDERED that from the proceeds of sale, the Debtor shall pay the amount due and owing to the Bank of America, which holds the first mortgage lien on the property in order to satisfy the obligation in full.

IT IS FURTHER ORDERED that the second mortgage holders, 2EE, LLC has agreed to give the Debtor and his wife a consensual discharge of mortgage on 810 Joshua Court, Moorestown, New Jersey.

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IT IS FURTHER ORDERED that from the proceeds of sale, the Debtor shall pay all ordinary and reasonable costs of closing, including all outstanding real estate taxes.

IT IS FURTHER ORDERED that the Debtor and his wife shall pay an agreed upon Sellers' concession of \$9,894.00 toward Buyers' closing costs.

IT IS FURTHER ORDERED that the Debtor shall pay from the proceeds of sale the realtors' commissions that are due pursuant to the Agreement of Sale, namely, to the Sellers' broker, Weichert Realtors, the sum of \$24,100.00, and to the Buyers' broker, Keller Williams, the sum of \$24,700.00.

IT IS FURTHER ORDERED that from the proceeds of sale that Debtor's wife shall be reimbursed the sum of \$39,500.00 that she paid for replacement of a private septic system, which was a condition of sale between the Debtor and his wife as Sellers and the Buyers.

IT IS FURTHER ORDERED that from the net proceeds of sale the Debtor's wife shall be reimbursed the sum of \$14,475.00 representing the cost of a roof replacement, which was a condition of sale between the Debtor and his wife as Sellers and the Buyers.

IT IS FURTHER ORDERED that in order to get the aforesaid reimbursements, the Debtor's wife shall present certified copies of the paid bills for the replacement of the private septic system and for the roof replacement.

IT IS FURTHER ORDERED that 2EE, LLC, the second mortgagee, on the one hand and Landmark Growth Capital Partners, L.P. and Landmark IAM Growth Capital,

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NEW JERSEY FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES
PURSUANT TO § 363(f) OF THE BANKRUPTCY CODE**

L.P. on the other hand shall split the remaining proceeds of sale equally.

IT IS FURTHER ORDERED that the fourteen day stay of this Order authorizing
the sale of the property is waived.

We hereby consent to the form and entry of the within Order.

KASEN & KASEN, Attorneys for Ronald Brodie, Debtor

/s/ David A. Kasen

By: DAVID A. KASEN, ESQ.

/s/ Patricia Brodie

By: PATRICIA BRODIE

NEHMAD PERILLO DAVIS AND GOLDSTEIN, Attorneys for 2EE, LLC

/s/ Eric S. Goldstein

By: ERIC S. GOLDSTEIN, ESQ.

SCARINCI & HOLLENBECK, Attorneys for Landmark Growth Capital Partners, L.P.
and Landmark IAM Growth Capital, L.P.

/s/ Joel R. Glucksman

By: JOEL R. GLUCKSMAN, ESQ.

In re:
Ronald Brodie
Debtor

Case No. 19-21672-ABA
Chapter 11

District/off: 0312-1

User: admin
Form ID: pdf903

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Total Noticed: 2

Date Rcvd: Oct 10, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 12, 2019.

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db      #+Ronald Brodie,      810 Joshua Court,      Moorestown, NJ 08057-3830
aty     +Kasen & Kasen,    1874 E Marlton Pike,   Cherry Hill, NJ 08003-2044
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Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 12, 2019

Signature: /s/Joseph Speetjens

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 10, 2019 at the address(es) listed below:

Daniel F. Corrigan on behalf of Creditor Noble Opportunity Fund II, LP
dcorrigan@windelsmarx.com, mslama@windelsmarx.com
David A. Kasen on behalf of Debtor Ronald Brodie dkasen@kasenlaw.com
Jeffrey M. Sponder on behalf of U.S. Trustee U.S. Trustee jeffrey.m.sponder@usdoj.gov,
jeffrey.m.sponder@usdoj.gov
Joel R. Glucksman on behalf of Creditor Landmark IAM Growth Capital, LP jglucksman@sh-law.com,
rjoyce@sh-law.com
Joel R. Glucksman on behalf of Creditor Landmark Growth Capital Partners, LP
jglucksman@sh-law.com, rjoyce@sh-law.com
John C. Kilgannon on behalf of Creditor William R Smith jck@stevenslee.com
John C. Kilgannon on behalf of Creditor Stephanie Smith jck@stevenslee.com
Kevin Gordon McDonald on behalf of Creditor BANK OF AMERICA, N.A. kmcdonald@kmlawgroup.com,
bkgroup@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9